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*Attorneys for Plaintiff
Minden Pictures, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MINDEN PICTURES, INC.,

Plaintiff,

v.

COMPLEX MEDIA, INC.,

Defendant.

Case No.: 1:22-cv-4069 (RA) (GWG)

FIRST AMENDED COMPLAINT AND JURY DEMAND

The plaintiff Minden Pictures Inc. (“Plaintiff”), by its undersigned attorneys, Rath, Young and Pignatelli, PC, for its Complaint against the defendant Complex Media, Inc., (“Defendant”), alleges as follows:

SUBSTANCE OF THE ACTION

1. This is a case of willful copyright infringement in violation of 17 U.S.C. §§ 106(1), 501. Plaintiff seeks compensatory and statutory damages in an amount to be established at trial.

PARTIES

2. Plaintiff is a California Corporation with a principal place of business at 9565 Soquel Drive, Suite 202, Aptos, California, 95003.

3. Upon information and belief, the Defendant is a domestic corporation operating a principal place of business at 40 West 23rd Street, Floor 2, New York, New York 10010.

JURISDICTION AND VENUE

4. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States, and therefore this Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 1338(a) (jurisdiction over copyright actions).

5. Personal jurisdiction over Defendant is proper. Defendant is conducting business in this judicial district and committing torts in this state, including without limitation Defendant's copyright infringement, which causes harm in this state and judicial district.

6. Pursuant to 28 U.S.C. § 1391, venue properly lies in this Court because a substantial part of the events giving rise to the claims herein occurred in this judicial district.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. Plaintiff's Business

7. Plaintiff is recognized as a premier provider of rights managed wildlife and nature photography, featuring key aspects of natural history, ecology, biodiversity and endangered species. Its collection represents the finest images by award-winning natural history photographers including many regular contributors to *National Geographic*.

8. Plaintiff licenses the works of its photographers for professional applications including editorial, advertising, corporate and non-profit use. In short, Plaintiff takes care of the

business of licensing the existing works of its photographers so that the photographers can focus on the business of creating new works. To this end, Plaintiff digitizes, captions and tags images to market them on the company's website and other platforms and work with distributors who help place the works of Plaintiff's photographers. Plaintiff also maintains comprehensive records of licensing history for images and spends considerable resources protecting the copyrights of our photographers to preserve intellectual property rights and ownership of images.

9. Plaintiff is the exclusive licensee of the photographic image by the celebrated photographer Gary Ellis at issue in this litigation, a copy of which is attached hereto as Exhibit A (the "Copyrighted Work").

10. The Copyrighted Work is an original work of authorship.

11. Plaintiff is the exclusive licensee of the copyrights in and to the Copyrighted Work.

12. Plaintiff has obtained registration with the United States Copyrighted Office for the Copyrighted Work. Attached hereto as Exhibit B is a copy of the certificates for registration obtained from the United States Copyright Office.

13. Plaintiff obtains registrations for the works of its photographer as means of fighting online infringement of its works, which poses an existential threat to Plaintiff's business and its industry. In order to protect against infringement, Plaintiff registers its images with the Library of Congress through the United States Copyright Office. Obtaining these registrations, though a costly process, gives Plaintiff and its photographers legal standing in federal court, without which Plaintiff would be barred from seeking legal protection of its copyrights.

14. In addition to obtaining registrations for its works, Plaintiff works diligently to detect online infringements of its works. In order to detect infringements, Plaintiff evaluated and

enlisted various technology companies who can detect online infringement by crawling the internet and help recover some of our lost revenue. Over the years, Plaintiff has engaged a number of companies to detect infringement.

B. Defendant's Unlawful Activities

15. In or about March of 2022, through a technology company that Plaintiff has engaged to locate infringements of Plaintiff's works on the internet, Plaintiff learned that Defendant was infringing Plaintiff's exclusive copyrights in the Copyrighted Work.

16. Specifically, Plaintiff discovered the Copyrighted Work being reproduced, distributed, and publicly displayed, without Plaintiff's authorization at the website www.complex.com, screenshots of which are attached hereto as Exhibit C.

17. Upon information and belief, Defendant located the Copyrighted Work on the internet and, without authorization from Plaintiff, downloaded the Copyrighted Work to computer systems owned or operated by Defendant and then posted the Copyrighted Work to Defendant's website, thus unlawfully committing a number of infringing acts, namely, reproducing, distributing, publicly displaying, and making a derivative work of the Copyrighted Work.

18. As late as March of 2022, well within the statute of limitations period provided by the Copyright Act, Defendant was reproducing, distributing, and publicly displaying the Copyrighted Work, in violation of Plaintiff's exclusive rights.

19. Defendant's reproduction, distribution, public display, and derivation of Plaintiff's Copyrighted Work are without Plaintiff's authorization.

20. Defendant's reproduction, distribution, public display, and derivation of Plaintiff's Copyrighted Work are willful and knowing. Defendant is a sophisticated media

company that understands copyright law and the need to obtain a license to publish the works of others. Despite this understanding, Defendant used the Copyrighted Work without bothering to obtain a license, accepting that such conduct might draw an infringement suit but such is the small price of revenue growth for Defendant. Indeed, this lawsuit is one of many copyright infringement suits for Defendant, indicating that the threat of such suits does not deter Defendant from its unlawful course of conduct.

CLAIM FOR RELIEF
DIRECT COPYRIGHT INFRINGEMENT
(17 U.S.C. § 101 *et seq.*)

21. Plaintiff realleges the above paragraphs and incorporates them by reference as if fully set forth herein.

22. The Copyrighted Work is an original work of authorship, embodying copyrightable subject matter, subject to the full protection of the United States copyright laws.

23. As exclusive licensee, Plaintiff has sufficient rights, title and interest in and to the copyrights in the Copyrighted Work to bring suit.

24. Upon information and belief, as a result of Plaintiff's reproduction, distribution and public display of the Copyrighted Work, Defendant had access to the Copyrighted Work prior to the creation of Defendant's infringing website.

25. By its actions, as alleged above, Defendant has infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. §501, by reproducing, distributing and publicly displaying the infringing website.

26. Upon information and belief, Defendant's infringement of Plaintiff's copyrights is willful and deliberate and Defendant has profited at the expense of Plaintiff.

27. As a direct and proximate result of Defendant's infringement of Plaintiff's exclusive rights in the Copyrighted Work, Plaintiff is entitled to recover its actual damages

resulting from Defendant's uses of the Copyrighted Work without paying license fees, in an amount to be proven at trial.

28. In addition, at Plaintiff's election, pursuant to 17 U.S.C. § 504(b), Plaintiff shall be entitled to recover damages based on a disgorgement of Defendant's profits from infringement of the Copyrighted Work, which amounts will be proven at trial.

29. In the alternative, and at Plaintiff's election, Plaintiff is entitled to maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to the infringing reproduction, distribution, and public display of the Copyrighted Work, or such other amounts as may be proper under 17 U.S.C. § 504(c).

30. Plaintiff is entitled to its costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

31. Defendant's conduct has caused and any continued infringing conduct will continue to cause irreparable injury to Plaintiff unless enjoined by this Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's exclusive rights under copyright law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment as follows:

1. A declaration that Defendant has infringed Plaintiff's copyrights under the Copyright Act;
2. A declaration that such infringement is willful;
3. An accounting of all revenue earned by Defendant during the period in which it reproduced, distributed or displayed the Copyrighted Work, or any portion or derivation of the Copyrighted Work;

4. Awarding Plaintiff all gains, profits, property and advantages obtained or derived by Defendant from their acts of copyright infringement or, *in lieu* thereof, should Plaintiff so elect, such statutory damages as the Court shall deem proper, as provided in 17 U.S.C. §§ 504(c), including damages for willful infringement of up to \$150,000 for each instance of copyright infringement;

5. Awarding Plaintiff such exemplary and punitive damages as the Court finds appropriate to deter any future infringement;

6. Awarding Plaintiff its costs and disbursements incurred in this action, including its reasonable attorneys' fees, as provided in 17 U.S.C. § 505;

7. Awarding Plaintiff its costs and disbursements incurred in this action, including its reasonable attorneys' fees, as provided in 17 U.S.C. § 1203(b)(5);

8. Awarding Plaintiff interest, including pre-judgment interest, on the foregoing sums;

9. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights or continuing to market, offer, sell, dispose of, license, lease, transfer, public display, advertise, reproduce, develop or manufacture any works derived or copied from the Plaintiff's or to participate or assist in any such activity; and

10. For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: June 21, 2022

Respectfully submitted,

RATH, YOUNG & PIGNATELLI, P.C.

/s/ R. Terry Parker

R. Terry Parker, Esquire

RATH, YOUNG and PIGNATELLI, P.C.

120 Water Street, Second Floor

Boston, MA 02109

Telephone: (603) 226-2600

Email: rtp@rathlaw.com

Attorneys for Plaintiff

Minden Pictures, Inc.

Exhibit A



Exhibit B



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number
VA 1-723-899

**Effective date of
registration:**

December 23, 2008

Title

Title of Work: Gerry Ellis 2003 Photo Collection on minden Pictures Website
Nature of Work: Photographs

Completion/Publication

Year of Completion: 2003
Date of 1st Publication: December 15, 2003 **Nation of 1st Publication:** United States

Author

■ **Author:** Gerry Ellis
Author Created: Photograph

Work made for hire: No
Citizen of: United States
Year Born: 1956
Anonymous: No

Pseudonymous: No

Copyright claimant

Copyright Claimant: Gerry Ellis
c/o Minden Pictures, 558 Main Street, Watsonville, CA, 95076

Limitation of copyright claim

Material excluded from this claim: any previously published photographs
Previously registered: No
New material included in claim: new photographs first published on 12/15/2003.

Certification

Name: Chris Carey
Date: December 18, 2008

Correspondence: Yes



0000VA00017238990201

Copyright Office fees are subject to change.
For current fees, check the Copyright Office
website at www.copyright.gov, write the Copy-
right Office, or call (202) 707-3000.

Form VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

VA VAU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼

Gerry Ellis 2003 Photo Collection
on Minden Pictures website

NATURE OF THIS WORK ▼ See instructions

Photographs

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

NAME OF AUTHOR ▼

a Gerry Ellis

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

1953

Was this contribution to the work a
"work made for hire"? ☐ Yes ☒ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

USA

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either
of these questions is
"Yes," see detailed
instructions

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☒ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author ▼

b

Dates of Birth and Death

Year Born ▼

Year Died ▼

Was this contribution to the work a
"work made for hire"? ☐ Yes ☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either
of these questions is
"Yes," see detailed
instructions

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was

Completed

a 2003

This information
must be given
in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information
ONLY if this work
has been published.

Month

Day

Year

15

2003

USA

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Gerry Ellis % Minden Pictures
558 Main Street, Watsonville, CA 95076

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ►

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of _____ pages

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

See instructions before completing this space.

EXAMINED BY

FORM VA

CHECKED BY

CORRESPONDENCE

☐ YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Some previously published photos

a

See instructions
before completing
this space

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

a

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

b

Minden Pictures, Attn: Chris Carey
558 Main Street, Watsonville, CA 95076

Area code and daytime telephone number (831) 761-3600

Fax number (831) 761-3233

Email chris@mindenpictures.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

Gerry Ellis

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Chris Carey

Date 12/18/08

Handwritten signature (X) ▼

X

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

Minden Pictures, Attn: Chris Carey

Number/Street/Apt ▼

558 Main Street

City/State/ZIP ▼

Watsonville, CA 95076

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000

*17 USC §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Gerry Ellis 2003 Photo Collection on Minden Pictures website

Photo ID#	Photographer	Caption
200055	Gerry Ellis	Harp Seal (<i>Phoca groenlandicus</i>) pup Gulf of St Lawrence, Canada
200216	Gerry Ellis	Three-horned or Jackson's Chameleon (<i>Chamaeleo jacksonii</i>) in tree, east Africa
200677	Gerry Ellis	Orangutan (<i>Pongo pygmaeus</i>) hanging on tree, endangered, Orangutan Wildlife
200940	Gerry Ellis	Intermediate Roundleaf Bat (<i>Hipposideros larvatus</i>) group hanging from cave ceiling
200946	Gerry Ellis	Sea Otter (<i>Enhydra lutris</i>) portrait, Pacific coast, North America
201389	Gerry Ellis	Replant of Douglas Fir (<i>Pseudotsuga menziesii</i>) in clearcut, Suislaw National Forest
201395	Gerry Ellis	Stunted Muskeg forest, temperate rainforest, Tongass National Forest, southeast Alaska
201415	Gerry Ellis	Loggers clear cutting temperate rainforest, Pacific coast, North America
201417	Gerry Ellis	Loggers clear cutting temperate rainforest, Pacific coast, North America
201653	Gerry Ellis	New forestry technique, Quinault River Valley, Olympic National Forest, Washington
201667	Gerry Ellis	Krumholtz effect on eastern Spruce, St Bonaventure Island, Quebec
201840	Gerry Ellis	Grasshopper (<i>Melanoplus</i> sp) on stem, side view, western North America
202661	Gerry Ellis	Sulphur pool and crater, Poas Volcano National Park, Costa Rica
202664	Gerry Ellis	Sulphur pool and crater, Poas Volcano National Park, Costa Rica
202834	Gerry Ellis	Cape Warthog (<i>Phacochoerus aethiopicus</i>) cooling off in mud, Masai Mara, Kenya
202931	Gerry Ellis	Eastern crater and summit of Mount St Helens National Volcanic Monument, Washington
203187	Gerry Ellis	Rocks and peaks on tundra, Arctic National Wildlife Refuge, Alaska
203357	Gerry Ellis	Folding and uplift along Laurentian Divide, St Lawrence Seaway, Quebec, Canada
203403	Gerry Ellis	Moss-campion blooming on tundra, overlooking Sadlerochit Mountains, Arctic National Wildlife Refuge
203470	Gerry Ellis	Replant of Douglas Fir (<i>Pseudotsuga menziesii</i>) in clearcut, Suislaw National Forest
204025	Gerry Ellis	Honey Bee (<i>Apis mellifera</i>) feeding on honey in honeycomb, North America
204030	Gerry Ellis	Soda and algae formation on surface of Lake Natron, Great Rift Valley, Tanzania
204063	Gerry Ellis	Domestic Cat (<i>Felis catus</i>) eating a Sparrow it has caught, North America
204073	Gerry Ellis	Raccoon (<i>Procyon lotor</i>) on temperate rainforest floor, Pacific coast, North America
204232	Gerry Ellis	Anti World Trade Organization, WTO, protests in the streets of Seattle, Washington
204233	Gerry Ellis	Anti-World Trade Organization (WTO) protests in the streets of Seattle, Washington
204647	Gerry Ellis	Koala (<i>Phascolarctos cinereus</i>) young male in Eucalyptus tree, eastern forested
204757	Gerry Ellis	Madagascan Sunset Moth (<i>Chrysiridia rhipheus</i>) detail of wing, Madagascar
204760	Gerry Ellis	Bumblebee (<i>Megabombus pennsylvanicus</i>) covered with parasite eggs, North America
204819	Gerry Ellis	Silver-spotted Skipper (<i>Hesperia comma</i>) feeding, with proboscis, on flower nectar
205682	Gerry Ellis	Brown Tree Snake (<i>Boiga irregularis</i>) native to tropical Australia but introduced to
205744	Gerry Ellis	Sitka Spruce (<i>Picea sitchensis</i>) in old growth forest, Queen Charlotte Islands, British Columbia
205779	Gerry Ellis	Old growth Muskeg temperate rainforest surrounding peat bog on Revillagigedo Island
205899	Gerry Ellis	Blue-winged Teal (<i>Anas discors</i>) eggs in nest, Malheur National Wildlife Refuge,
205931	Gerry Ellis	American Beaver (<i>Castor canadensis</i>) swimming, North America
205957	Gerry Ellis	Golden-mantled Ground Squirrel (<i>Spermophilus lateralis</i>) eating pine cone, North America
206215	Gerry Ellis	Green Leaf-mimic Katydid, on leaf, Costa Rican highlands
200261	Gerry Ellis	Ring-tailed Lemur (<i>Lemur catta</i>) group, Washington Park Zoo, Portland, Oregon,
200418	Gerry Ellis	Hartmann's Mountain Zebra (<i>Equus zebra hartmannae</i>) close up of black and white
200517	Gerry Ellis	Lion-tailed Macaques (<i>Macaca silenus</i>) sitting together on grass, Woodland Park Zoo
200521	Gerry Ellis	Jaguar (<i>Panthera onca</i>) panting, Woodland Park Zoo, Seattle, Washington
200532	Gerry Ellis	Jaguar (<i>Panthera onca</i>) portrait, Belize Zoo, Belize
200533	Gerry Ellis	Jaguar (<i>Panthera onca</i>) and, reflection, Belize Zoo, Belize
200536	Gerry Ellis	Jaguar (<i>Panthera onca</i>) drinking, Belize Zoo, Belize
200547	Gerry Ellis	Bengal Tiger (<i>Panthera tigris tigris</i>) portrait, at Woodland Park Zoo, Seattle, Washington
200576	Gerry Ellis	Snow Leopard (<i>Uncia uncia</i>) portrait, Woodland Park Zoo, Seattle, Washington
200621	Gerry Ellis	African Lion (<i>Panthera leo</i>) male, portrait, Washington Park Zoo, Portland, Oregon
200833	Gerry Ellis	Proboscis Monkey (<i>Nasalis larvatus</i>) Bronx Zoo, New York, native to Borneo
201096	Gerry Ellis	Sun Bear (<i>Helarctos malayanus</i>) portrait, Woodland Park Zoo, Washington

201715	Gerry Ellis	Effluence from Bonneville Dam, Columbia River, Oregon
201716	Gerry Ellis	Effluence from Bonneville Dam, Columbia River, Oregon
202870	Gerry Ellis	Irrigation sprinklers near Castroville, California
202928	Gerry Ellis	Irrigation sprinklers near Castroville, California
203590	Gerry Ellis	Fence separating over-grazed pasture from native Chihuahuan Desert grassland
205087	Gerry Ellis	African Lion (<i>Panthera leo</i>) portrait of male yawning, Washington Park Zoo, Portland
205842	Gerry Ellis	Fence separating an over-grazed pasture from native Chihuahuan Desert grassland
205857	Gerry Ellis	Irrigation sprinklers on farmland, Castroville, California
205866	Gerry Ellis	Effluence from Bonneville Dam, Columbia River, Oregon
205869	Gerry Ellis	Common Nighthawk (<i>Chordeiles minor</i>) resting on fence, northern Great Plains
200868	Gerry Ellis	Mountain Gorilla (<i>Gorilla gorilla beringei</i>) in tree, Virunga Mountains, Congo, Africa
201730	Gerry Ellis	Eroded landscape, Badlands National Park, South Dakota
204809	Gerry Ellis	Blue Wildebeest Herd (<i>Connochaetes taurinus</i>) migrating in a line, Masai Mara National Reserve, Kenya
204853	Gerry Ellis	Dromedary Camel (<i>Camelus dromedarius</i>) mother with two day old baby, Oasis
205420	Gerry Ellis	Jumping Spider (<i>Plexippus paykulli</i>) on leaf, front view, Kikori Delta, Papua New Guinea
205460	Gerry Ellis	Jumping Spider (<i>Salticidae</i>) portrait, close up, Waipio Valley, Island of Hawaii
205733	Gerry Ellis	Honey Bee (<i>Apis mellifera</i>) group with queen on honeycomb, North America
206276	Gerry Ellis	Morelet's Crocodile (<i>Crocodylus moreletii</i>) endangered, Belize
200128	Gerry Ellis	Dainty Tree Frog (<i>Litoria gracilentia</i>) wet tropical climate, northeastern Australia
200158	Gerry Ellis	Harp Seal (<i>Phoca groenlandicus</i>) pup, Gulf of St Lawrence, Canada
200332	Gerry Ellis	Young Olive Baboon or Anubis Baboon (<i>Papio anubis</i>) portrait, Gombe Stream National Park, Tanzania
200390	Gerry Ellis	Margay (<i>Leopardus wiedii</i>) wild kitten, captive orphan, Costa Rica
200549	Gerry Ellis	Bengal Tigers (<i>Panthera tigris tigris</i>) mating, captive animal, Hilo Zoo, Hawaii, near
200568	Gerry Ellis	Jaguar (<i>Panthera onca</i>) Belize Zoo, Belize
200797	Gerry Ellis	Orangutan (<i>Pongo pygmaeus</i>) hanging on tree, endangered, Orangutan Wildlife
201132	Gerry Ellis	Ring-tailed Lemur (<i>Lemur catta</i>) calling, Woodland Park Zoo, Seattle, Washington
201336	Gerry Ellis	Rainforest herbs and plants being sold along road near San Jose, Costa Rica
201433	Gerry Ellis	Perfumed Passion Flower (<i>Passiflora vitifolia</i>) flower, tropical Mesoamerica
201720	Gerry Ellis	Storm at sunset, Clearwater River Canyon, Clearwater National Forest, Idaho
201740	Gerry Ellis	Eroded landscape, Badlands National Park, South Dakota
201864	Gerry Ellis	Monarch butterfly (<i>Danaus plexippus</i>) caterpillar, North America
202048	Gerry Ellis	Canouan Island, Grenadine Archipelago, Lesser Antilles, Caribbean
202125	Gerry Ellis	Mixed vegetation, spiny forest, southeast Madagascar
202650	Gerry Ellis	Sunset over lowland tropical rainforest along Amazon River, Amazon Basin, Brazil
202915	Gerry Ellis	Tiger Swallowtail butterfly (<i>Papilio glaucus</i>) perching on pink flowers, North America
202943	Gerry Ellis	Temperate rainforest, Queets River Valley, Olympic National Park, Washington
203136	Gerry Ellis	Leopard Tortoise (<i>Geochelone pardalis</i>) portrait, Karoo National Park, west South Africa
203176	Gerry Ellis	Stream running over tundra, Arctic National Wildlife Refuge, Alaska
203374	Gerry Ellis	Late light on face of monolith of El Capitan, Yosemite National Park, California
203384	Gerry Ellis	Painted Reed Frog (<i>Hyperolius marmoratus</i>) Ndumo Game Reserve, South Africa
203438	Gerry Ellis	White sand beach surrounding lagoon, Two People's Bay National Park, Western Australia
203504	Gerry Ellis	Aerial view of barchan dunes showing typical horns and downwind slip face, at a
203638	Gerry Ellis	Native Chihuahuan Desert grassland near San Pedro, Chihuahuan Desert, Mexico
203842	Gerry Ellis	Harrison's Cave showing stalactites and stalagmites, Barbados, Caribbean
204027	Gerry Ellis	Hercules Scarab Beetle (<i>Dynastes hercules</i>) male, the largest rhinoceros beetle
204128	Gerry Ellis	Umbrella Thorn (<i>Acacia tortilis</i>) trees at sunrise on savannah, Masai Mara Game Reserve
204199	Gerry Ellis	Lesser Flamingo (<i>Phoenicopterus minor</i>) flock flying at Lake Biogorias National Park
204242	Gerry Ellis	Whistling Thorn (<i>Acacia drepanolobium</i>) on savannah, Masai Mara Game Reserve
204271	Gerry Ellis	African Elephant (<i>Loxodonta africana</i>) juveniles, Nairobi National Park, Kenya
204812	Gerry Ellis	Orangutan (<i>Pongo pygmaeus</i>) juvenile, Orangutan Wildlife Center, Sepilok Forest, Malaysia
204883	Gerry Ellis	Whistling Thorn (<i>Acacia drepanolobium</i>) in open grasslands, Masai Mara National Reserve

204885	Gerry Ellis	Whistling Thorn (<i>Acacia drepanolobium</i>) in open grasslands, Masai Mara Nation
205139	Gerry Ellis	Lilac-breasted Roller (<i>Coracias caudata</i>) perching, Masai Mara Game Reserve, I
205245	Gerry Ellis	Dung Beetle or Scarab Beetle (<i>Scarabaeidae</i>) rolling dung ball, Matetsi safari are
205283	Gerry Ellis	Clearing of tropical rainforest south of Lake Kutubu for Gobe oil camp, southern I
205340	Gerry Ellis	Sago Palm Beetle larvae being prepared for cooking, Kasua Bush Camp, southe
205459	Gerry Ellis	Jumping Spider (<i>Salticidae</i>) portrait, imported to Hawaiian islands
205596	Gerry Ellis	Great Crested-Tern (<i>Sterna bergii</i>) nesting site, southern Australia
205750	Gerry Ellis	Saguaro (<i>Carnegiea gigantea</i>) with Fishhook Barrel Cactus (<i>Ferocactus wislizen</i>
205790	Gerry Ellis	Sadlerochit Mountains reflected in tussock tundra pond in summer, Sunset Pass
205798	Gerry Ellis	North view of tundra at Sunset Pass Valley, Sadlerochit Mountains, Arctic Nation
205806	Gerry Ellis	Braided river channels and gravel bars of the Canning River, 1002 Area, Arctic N
205847	Gerry Ellis	River grasses along the Merced River with reflection of late light on El Capitan, Y
205848	Gerry Ellis	Late light on face of monolith of El Capitan, Yosemite National Park, California
206056	Gerry Ellis	Iceberg in Bransfield Strait, along northern tip of the Antarctic Peninsula, Antarcti
206232	Gerry Ellis	White-lipped Peccary (<i>Tayassu pecari</i>) portrait rooting, Sarapiquí River, Costa R
206294	Gerry Ellis	Wandering Spider (<i>Cupiennius coccineus</i>) close up on branch, front view, Mesos
206296	Gerry Ellis	Mexican Red-knee Tarantula (<i>Brachypelma smithi</i>) portrait, top view, Mexico and
206338	Gerry Ellis	Red Pineapple Bromeliad (<i>Ananas comosus variegatus</i>) top view, Trinidad, Caril
206442	Gerry Ellis	Elderly woman separating rice seed from husk, mountain village above Pokhara,
206459	Gerry Ellis	Domestic Cat (<i>Felis catus</i>) with songbird, Portland, Oregon
205172	Gerry Ellis	Mountain Gorilla (<i>Gorilla gorilla beringei</i>) silverback with baby on back, Virunga M
200371	Gerry Ellis	Patas Monkey (<i>Erythrocebus patas</i>) portrait, Woodland Park Zoo, native to centr
205224	Gerry Ellis	Flap-necked Chameleon (<i>Chamaeleo dilepis</i>) Okavango Delta, Botswana
206543	Gerry Ellis	Shoeshine boy with Black-mantled Tamarin (<i>Saguinus nigricollis</i>) Iquitos, Peru, A
206569	Gerry Ellis	Radiated Tortoise (<i>Geochelone radiata</i>) portrait, southern Madagascar
206572	Gerry Ellis	Red or Lesser Panda (<i>Ailurus fulgens</i>) native to China, Nepal and Burma
206604	Gerry Ellis	Black-tailed Prairie Dog (<i>Cynomys ludovicianus</i>) portrait, North America
206609	Gerry Ellis	Mountain Lion or Cougar (<i>Felis concolor</i>) peering around the corner of a rock ed
206629	Gerry Ellis	Great Egret (<i>Casmerodius albus</i>) in tall grass, Assateague Island National Seasl
206633	Gerry Ellis	Gerenuk (<i>Litocranius walleri</i>) feeding in thornbush, native to arid, Sub-Saharan, c
206642	Gerry Ellis	North American River Otter (<i>Lontra canadensis</i>) pair, North America
206648	Gerry Ellis	Common Cactus Finch (<i>Geospiza scandens</i>) Galapagos Islands National Park, I
206692	Gerry Ellis	African Tulip (<i>Spathodea campanulata</i>) tree, blossoms, El Yunque National Fore
206714	Gerry Ellis	Magellanic Penguin (<i>Spheniscus magellanicus</i>) standing on hillside full of flower
206720	Gerry Ellis	Waterfall through native and exotic rainforest vegetation, in Naue River Valley, H
206740	Gerry Ellis	Adelie Penguin (<i>Pygoscelis adeliae</i>) leaping into ocean from ice edge, Antarctic
204713	Gerry Ellis	African Elephant (<i>Loxodonta africana</i>) orphaned baby Mwega playing at mud bai
206544	Gerry Ellis	Macaw feathers as curios, for sale in village along Amazon river, Brazil
206613	Gerry Ellis	Caribou (<i>Rangifer tarandus</i>) silhouetted against sky, Alaska

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iii) in the foreground, Sonoran Desert, Arizona
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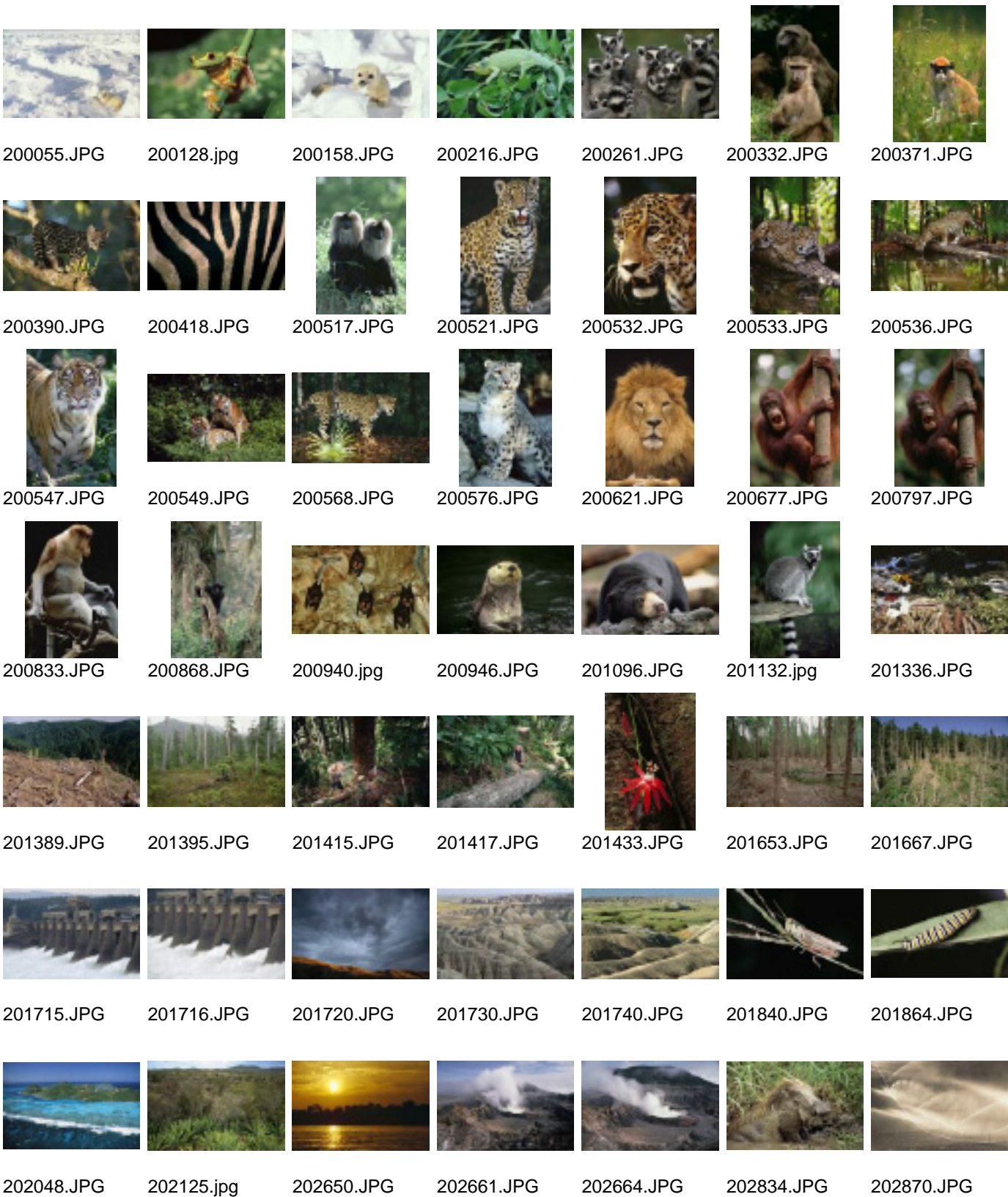
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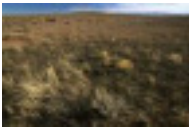
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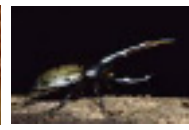
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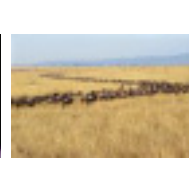
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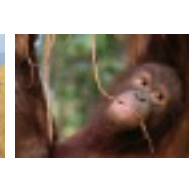
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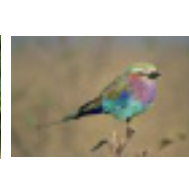
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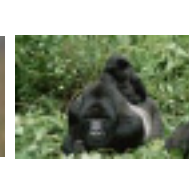
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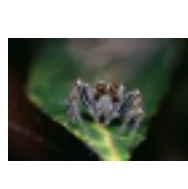
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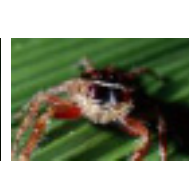
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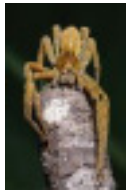
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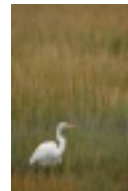
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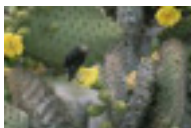
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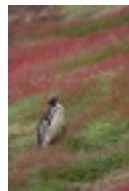
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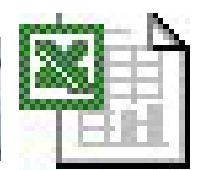
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Gerry Ellis 20...

Exhibit C

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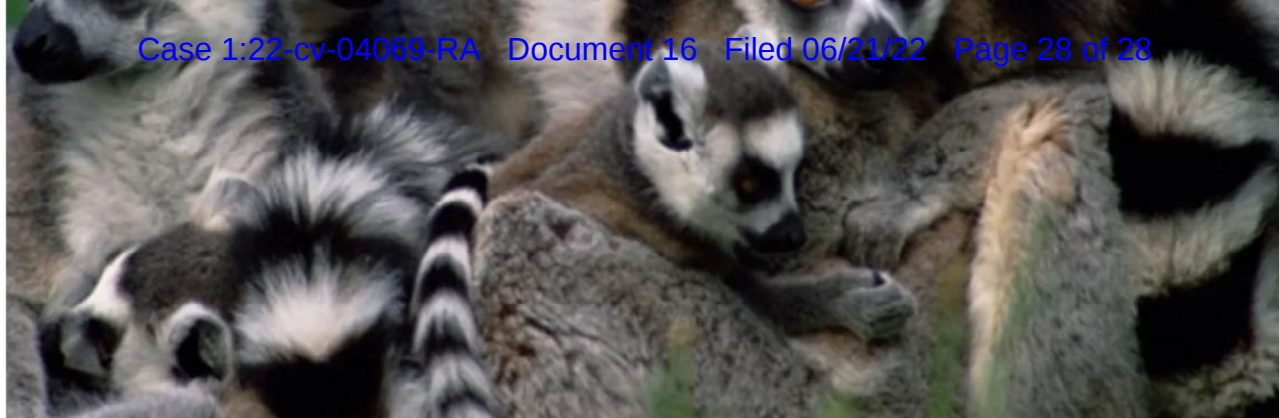
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At a workshop in Madagascar for the International Union for Conservation of Nature Species Survival Commission (IUCN), a group of 60 wildlife experts declared the lemur the "the most endangered of any group of vertebrates."

Most people know lemurs from the Dreamworks hit movie franchise *Madagascar*, but many don't know that the island nation is the primate's natural habitat. When you take into account that there are only 18 of particular species of lemur still alive, the problem becomes more clear.

So, what's causing the drop off? Loss of habitat and rampant hunting. According to the IUCN, "political uncertainty has increased poverty and accelerated illegal logging," combined with lemur hunting is becoming "a more serious threat than previously imagined."

The members of the IUCN are currently working to devise some solutions.

[via [CNN](#)]

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